

THE STATE EMPLOYEE GUIDE TO RETURN TO WORK

Disability Insurance Program
Statewide Benefits
Office of Management & Budget
Durae' Johann, Return to Work Coordinator

WHAT IS THE RETURN TO WORK (RTW) PROGRAM?

The Return to Work Program is a legislated program under:

TITLE 29

State Government Public Officers and Employees

CHAPTER 52A. DISABILITY INSURANCE PROGRAM

§ 5257. Return to work.

The RTW program is available to eligible employees during Short Term and Long Term Disability benefit periods and employees and former employees may contact the RTW-C for assistance during or after receiving benefits under both programs.

WHO IS ELIGIBLE TO RECEIVE RETURN TO WORK SERVICES?

**Any merit or non-merit,
employee enrolled in the
Disability Insurance
Program.**

APPLYING FOR STD BENEFITS ~ WHO SHOULD I CALL & WHAT AM I REQUIRED TO DO?

- Contact your supervisor to report your absence and follow your agency or district's rules to report your time away from work.
- Please call The Hartford's toll-free telephone number (866) 945-7781 between the hours of 8:00 a.m. and 8:00 p.m. (ET), Monday through Friday, by your 15th calendar day of absence to file your STD claim if you expect to be out of work for more than 30 calendar days.
- You may also file your STD claim online at www.TheHartfordAtWork.com. Under the "Access your Account" section, click on "Start a Claim", then click "Start a Short-Term Disability Claim".
- You must type in the State of Delaware's policy number of 071675 to do an online submission. Within 24 business hours, a Hartford representative will call you to review your claim.
- Be prepared to provide the following information to The Hartford:
 - Name and Social Security Number
 - Name of agency or school district and the last day of active employment
 - Name and phone number of Manager or Benefit Representative
 - Nature of claim and whether if it is work related
 - Treating physician's name, address and telephone number



Remember to contact your physician to authorize the release of medical information required by The Hartford to process your claim.

RETURN TO WORK (RTW) DURING SHORT TERM DISABILITY (STD)

- Please contact the State of Delaware's Return to Work Coordinator (RTW-C) Durae' Johann, at 302-760-7055 if you need assistance with returning to work or if have questions regarding the RTW process.
- If you are released to return to work and require temporary modifications or transitional work, the RTW-C will contact your agency or district for authorization. Each return to work situation is unique as some jobs may be modified whereas others may not. The RTW-C will work with you and your agency or district to determine if modified or transitional duty is available and appropriate for your specific situation.
- If your agency or district is able to accommodate the modified or transitional duty, you are required to return to work at that time.

RETURN TO WORK FROM LTD - FORMER MERIT EMPLOYEES

- If you were previously employed in a merit position you may contact the Return to Work Coordinator (RTW-C) at Statewide Benefits within for assistance with returning to work.
- If requesting RTW service, the RTW-C will contact your previous agency to obtain a Performance/Conduct Recommendation to determine eligibility to return to merit employment. After the recommendation is reviewed by the RTW-C it is then forwarded to Labor Relations of the Office of Management and Budget for a final determination.

PERFORMANCE CONDUCT RECOMMENDATION - MERIT ONLY

State of Delaware
Return to Work Policy
Merit Employees on Long Term Disability

PURPOSE

The purpose of this policy is to establish and apply consistent standards in accordance with 29 Del.C. Section 5257 as it relates to placing former Merit employees into vacant positions consistent with a release to return to work from Long Term Disability.

POLICY

Placement for individuals who are released to return to work following Long Term Disability will initiate at the agency with whom they were employed prior to their Long Term Disability.

Upon receipt of a return to work authorization, the Return to Work Coordinator will contact the prior employing agency to determine whether there are any vacant positions available, and to request the agency complete a Performance/Conduct Recommendation. The prior employing agency shall submit the completed Performance/Conduct Recommendation to the Return to Work Coordinator. If the Performance/Conduct Recommendation reveals documented performance or conduct deficiencies, the prior employing agency may request that the individual not be rehired.

If the Office of Management and Budget determines that the individual's performance or conduct deficiencies make it inappropriate for the individual to be rehired, the individual will be informed of this in writing by the Return to Work Coordinator and provided the reasons for this determination.

If the Office of Management and Budget determines that it is appropriate for the individual to be rehired, the Return to Work Coordinator along with the employee will receive full cooperation from the prior employing agency to determine if there are any vacant positions for which the individual qualifies.

If there are no vacancies in the prior employing agency, the Return to Work Coordinator will research other vacant Merit positions for which the individual may apply, qualify and be placed in accordance with Title 29, Section 5257(b)(1).

DE CODE ~ REGARDING RTW FOR FORMER MERIT EMPLOYEES

Title 29, Chapter 52A, Section 5257 provides:

(b) Once an individual has been determined to have the ability to return to employment by the committee, the individual will receive the following assistance:

(1) Former merit employees enrolled in and previously deemed eligible for the Long-Term Disability Program may, when available and appropriate, be placed by the Office of Management and Budget in any merit position, for which they qualify without a certification list, as long as the paygrade does not exceed their paygrade at the time of their acceptance into and eligibility for the Short-Term Disability Program. Exceptions to the paygrade limitation may be made for vacancies for which a documented shortage of qualified applicants exists.

THE RTW PROCESS FOR FORMER MERIT EMPLOYEES

The order of Return To Work for returning a former merit employee to work is as follows:

- Same job, same agency**
- Same job with modifications, same agency**
- Same job, different agency**
- Same job with modifications, different agency**
- Different job, same employing organization**
- Different job, different agency**
- Retraining and Education (Voc-Rehab)**
if eligible and with referral from RTW-C

RETURN TO WORK FROM LTD - FORMER NON-MERIT EMPLOYEES

- ◉ If you were previously employed by a school district, charter school, institution of higher education or a non merit employee employed in a merit agency, please contact your previous Human Resource department of this school/agency for assistance in placement.
- ◉ Even though the RTW-C may not place you in another non-merit position, she is still able to assist you with completing the necessary forms and available to answer any questions you may have.

DE CODE ~ REGARDING RTW FOR FORMER NON-MERIT EMPLOYEES

**Title 29, Chapter 52A, Section 5257
provides:**

- ◉ (b) Once an individual has been determined to have the ability to return to employment by the committee, the individual will receive the following assistance:
- ◉ (2) Former nonmerit employees enrolled in and previously deemed eligible for the Long-Term Disability Program will be placed by their previous employer into a vacant position within their respective agency for which they qualify.

GOOD TO KNOW ~ QUICK FACTS

- ◉ Workers' Comp (W/C), STD, and Family and Medical Leave Act (FMLA) *if eligible*, all run concurrently. (see following slide for brief explanation)
- ◉ You must satisfy a 30 calendar day elimination period before STD benefits become effective (i.e. The first day you miss work is May 1st, benefits become effective May 31st)
- ◉ You can use sick, vacation, compensatory time and donated leave (*if eligible*) to remain in a paid status during the 30 calendar day period.
- ◉ If you RTW for 14 or more calendar days and become disabled again, you must satisfy another 30 calendar day elimination period to be eligible for a new STD claim.
- ◉ If you RTW for less than 14 calendar days, you would remain on the same claim with no additional elimination period.
- ◉ STD benefits cap at 182 calendar days.
- ◉ If you exhaust the 182 calendar day benefit period, your employment with the State of DE will terminate unless you're a hazardous duty employee receiving W/C as well as STD/LTD, then termination will occur one year from the date of disability if you have not returned to work.

I'M RECEIVING W/C BUT MY HR DEPARTMENT STATES I MUST FILE FOR STD BENEFITS TOO, IS THIS TRUE? "YES" AND HERE'S WHY....

- ◉ If you are injured or become ill as a result of something that has happened to you while working, you may be eligible for Workers' Compensation (W/C) AND if you're enrolled in the Disability Insurance Program, you must also apply for Short Term Disability (STD) benefits. (DE CODE, § 5253. Specifications of the coverage)
ALSO....
- ◉ Remember, W/C, STD, Personal Injury Protection (PIP) and FMLA all run concurrently.
- ◉ In this scenario, if the W/C claim is approved, W/C is the primary payer, with STD as the secondary payer
- ◉ You may not receive MORE than 100% of your pre-disability earnings during the STD benefit period.

HOW MUCH WILL I BE PAID WHILE ON STD

- ◉ STD pays up to 75% of your pre-disability earnings minus any offsets such as W/C. To keep it simple, let's say you earned \$700 per week, your STD benefit will be approximately \$525.
- ◉ You may also use leave accruals such as sick leave & annual leave as well as donated leave (if eligible) to bring your benefit to 100% of your pre-disability earnings.
- ◉ See the STD booklet by visiting this website:
<http://ben.omb.delaware.gov/disability/index.shtml>

DID YOU KNOW?

- ◎ Your STD benefit is paid by the State of Delaware in your *regular paycheck*. Therefore, as long as your STD claim is in an approved status, you'll receive your STD benefit at the same time you would have received your regular pay if you were actively at work.

HOW MUCH WOULD I RECEIVE IF I HAVE TO USE THE LTD BENEFIT?

- The LTD benefit is up to 60% of your pre-disability earnings minus any offsets. Therefore, if you earned \$40,000 annually while actively employed, your LTD benefit will be approximately \$24,000 annually and it is paid MONTHLY by The Hartford. In this scenario, your LTD payment would be approximately \$2,000 (minus elected deductions & taxes) You may not use leave accruals during the LTD benefit period. See the LTD booklet by visiting this website:

<http://ben.omb.delaware.gov/disability/index.shtml>

YOU SAID MY EMPLOYMENT WILL TERMINATE AT THE END OF MY STD BENEFIT PERIOD, BUT WHAT IF I'M AWARDED LTD, AM I STILL TERMINATED? "YES" IT'S THE LAW.

- ◉ Per DE CODE, § 5253. Specifications of the coverage

(5) Upon the exhaustion of the maximum short-term disability benefit period, any employee, except those entitled to hazardous duty pay as defined in § 5933(c) of this title, shall no longer be an employee of the State or any of its political subdivisions provided the employee has exhausted their Family Medical Leave Act of 1993 (FMLA) [26 U.S.C. § 2601 et seq.] entitlement and/or is not FMLA eligible. Employees entitled to hazardous duty pay as defined in § 5933(c) of this title who exhaust the maximum short-term disability benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible.

BE ON THE LOOKOUT....

- ◉ When you're nearing the end of your 182 calendar day STD benefit (about 6 weeks away from benefit exhaustion) you'll receive a letter from your HR Department. In this letter you'll be given the opportunity to escrow (save) any unused leave accruals you may have. If you return to work within 6 months, your leave balances will be there for you to use. If you don't return to work within 6 months, your previous agency will send you a check for any vacation and eligible sick leave accruals.
- ◉ You will NOT accrue sick/annual leave while on LTD, however, you do still accrue pension service credit (meaning the time you are on LTD counts towards time in state service for retirement)

WHAT IF I STILL HAVE QUESTIONS?

- ◉ Call me: 302-760-7055
- ◉ Email me: Durae.Johann@state.de.us
- ◉ Visit our website:
<http://ben.omb.delaware.gov/default.shtml>